

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, DECEMBER 13, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, December 13, 2004, with President Boyd presiding.

Councillor Schneider led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

A quorum of twenty-nine members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor McWhirter recognized Warren Township Fire Chief Ron Evans. Councillor Abdullallah introduced neighborhood activist Kim Boyd. Councillor Pfisterer recognized County Treasurer Greg Jordan. Councillor Bradford recognized former Councillor Elwood Black. Councillor Salisbury introduced Lawrence Township Assessor Paul Ricketts. Councillor Brown recognized Mike Reeves, president of the Local 416 Firefighters Union, and Tom Hanify, president of the Indiana Firefighters Union. Councillor Mansfield asked the United States Marines in the audience to stand and be recognized. Councillor Bowes introduced Nick Baker, American Cancer Society. Councillor Gray recognized Councillor Day's husband Harold. Councillor Day congratulated Councillor Speedy on his recent marriage.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 13, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Rozelle Boyd  
President, City-County Council

November 24, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, November 29, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 659, 660, 662-664, 666-668, and 674, 2004, said hearing to be held on Monday, December 13, 2004, at 7:00 p.m. in the City-County Building and a copy of a Legal Notice of General Ordinance No. 87, 2004.

Respectfully,  
Jean Ann Milharcic  
s/Clerk of the City-County Council

November 24, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 182, 2004 - approves an increase of \$43,000 in the 2004 budget of the Marion County Justice Agency (Conditional Release Fund) to complete payment for the Strategic Planning Project

FISCAL ORDINANCE NO. 185, 2004 - approves an increase of \$112,082 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants Fund), to create and All Hazards Mitigation Plan for Marion County as well as to support and expand the Indiana Citizens Corps Council, financed by grants from the Federal Emergency Management Agency and the Department of Homeland Security

FISCAL ORDINANCE NO. 186, 2004 - approves an increase of \$112,500 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund), to support the permanent Child Seat Inspection program and to cover costs of the Indiana Task Force One's (INTF 1) deployment for hurricanes Frances and Ivan, financed by federal grants

FISCAL ORDINANCE NO. 187, 2004 - approves a transfer and an increase of \$353,188 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants, Non-Lapsing Federal Grants, and Police General Fund), to continue numerous programs to promote community policing and ensure public safety within the community, financed by transfers between characters, federal grants from the federal Department of Justice and the State Emergency Management Agency (SEMA), and a private donation from Walmart

FISCAL ORDINANCE NO. 188, 2004 - approves an increase of \$134,477 in the 2004 Budget of Forensic Services Agency (State and Federal Grants Fund) to allocate funds for overtime, fringes and supplies for DNA Backlog Reduction Program, funded by a grant from the National Institute of Justice, Forensic Casework DNA Backlog Reduction Program

FISCAL ORDINANCE NO. 189, 2004 - approves an increase of \$76,378 in the 2004 Budget of Forensic Services Agency (State and Federal Grants Fund) to allocate funds for travel, supplies, equipment and

*December 13, 2004*

construction costs for DNA Capacity Enhancement Program, funded by a grant from the National Institute of Justice, Forensic Casework DNA Capacity Enhancement Program

FISCAL ORDINANCE NO. 190, 2004 - approves a transfer of \$20,000 in the 2004 Budget of Voter's Registration (County General Fund) to fund the increased and unanticipated costs related to the increased volume of voter registrations

FISCAL ORDINANCE NO. 193, 2004 - approves a transfer of \$31,000 in the 2004 Budget of the Department of Public Works, Operations Division (Non-Lapsing State of Indiana Grants Fund), to replace a ToxDrop Storage Unit at Traders Point located at 7300 N. Lafayette Rd., financed by a transfer between characters

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2004 - approves an increase of \$950,000 in the 2004 Budget of the Department of Public Safety, Police Division (Police Pension Trust, Police General and Consolidated County Funds), to cover sworn overtime costs for the traffic branch and Arrestee Processing Center (APC) and to pay for projected 2004 needs for pension benefits, financed by fund balance

GENERAL ORDINANCE NO. 112, 2004 - requires criminal background checks prior to employing or appointing persons to city or county positions

SPECIAL ORDINANCE NO. 13, 2004 - a final resolution for Phoenix Apartments to be renamed "Avondale Village" in an amount not to exceed \$12,000,000, which consists of the acquisition and rehabilitation of an existing 328-unit apartment complex on an approximately 10.31 acre parcel of land located at 4004 Meadows Drive (District 11)

SPECIAL RESOLUTION NO. 57, 2004 - recognizes the Indianapolis-Marion County Public Library for its top ten ranking among large urban library systems

SPECIAL RESOLUTION NO. 58, 2004 - recognizes Donald R. Stout for his contribution to the many community programs offered at the Municipal Gardens

SPECIAL RESOLUTION NO. 59, 2004 - recognizes former professional bowler George Branham III

SPECIAL RESOLUTION NO. 60, 2004 - recognizes the 30th Anniversary of volunteer service by the Executive Service Corps

SPECIAL RESOLUTION NO. 61, 2004 - recognizes the November 2, 2004 Election

SPECIAL RESOLUTION NO. 62, 2004 - a special resolution amending the inducement resolution for TR Associates, LLC in an amount not to exceed \$6,600,000, which consists of the acquisition and substantial rehabilitation of the existing 284-unit Timber Ridge Apartments located at 4005 Meadows Drive (District 11)

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Moriarty Adams made the following motion:

Mr. President:

I move to suspend the Rules of the Council to allow for action this evening on Proposal No. 751, 2004. This proposal is being introduced this evening, and to act on it at the same meeting in which it is introduced, a suspension of the Council Rules is required. Because it is a transfer, no public hearing is required, and therefore, there are no outstanding advertising requirements.

Councillor Talley seconded the motion, and the Rules were suspended by a unanimous voice vote. The President stated that Proposal No. 751, 2004 will be added for action under Final Adoption this evening.

Councillor Borst said that with regards to all fiscal proposals being introduced this evening dealing with the 2004 budget, it would be illegal to vote on any of them on January 10, 2005, as they would deal with a budget year that had already passed. He said without a suspension of the Rules on all of these, they cannot be acted on. He said that, however, because of advertising and

public hearing requirements, the only other proposal besides Proposal No. 751, 2004 where the Rules could be suspended is Proposal No. 750, 2004, as it is a transfer and does not require advertisement of a public hearing.

General Counsel Aaron Haith stated that because Proposal Nos. 746-750, 2005 are grant monies that do not affect the fund balance, it would not be illegal to vote on these in 2005. Councillor Borst said that he does not think it is legal to affect the 2004 budget after the books have been closed. Mr. Haith said that because they are grant appropriations, they do not affect the year-end fund balance, and can be acted on in January.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of November 15, 2004. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 757, 2004. The proposal, sponsored by Councillors Boyd, Gray, Cockrum, Conley, Gibson, Randolph, McWhirter, and Langsford, recognizes West Indy's 6th Annual Steak n Shake's Breakfast with Santa. Councillor Gibson read the proposal and presented representatives with copies of the document and Council pins. Marshall Lewis, organizer of the event, recognized several sponsor representatives, who thanked the Council for the recognition. Councillor Gibson moved, seconded by Councillor Abdullah, for adoption. Proposal No. 757, 2004 was adopted by a unanimous voice vote.

Proposal No. 757, 2004 was retitled SPECIAL RESOLUTION NO. 63, 2004, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 63, 2004**

A SPECIAL RESOLUTION recognizing West Indy's 6<sup>th</sup> Annual Steak n Shake's Breakfast with Santa.

WHEREAS, for the past five years, Steak n Shake Restaurants of Central Indiana, Toys for Tots, and many local businesses and individuals have hosted a growing event known as Breakfast with Santa; and

WHEREAS, the annual occasion has given joy to over 6,000 children and 1,000 families since its inception; and

WHEREAS, the 2004 Breakfast with Santa will be held Saturday, December 18<sup>th</sup> at the Wayne Township Fire Department Training Conference Center on North High School Road; and

WHEREAS, Breakfast with Santa sponsors already signed up for this year's event include: Wayne Township Fire Department, Wayne Township Schools, Wayne Township Trustee's Office, Westlake Church of Christ, MOM Project, Lynn and Rich Elson, Indianapolis Police Books & Badges, Vincennes University, Long's Bakery, Steak n Shake, Indy 500, Toys for Tots, Hands On Interpreting Service, The Recovery Room, Indianapolis Public Schools, Channel 16, Chapel Hill United Methodist Church, Kroger, Larry and Kay Snyder, Maplehurst, Murat Shrine Circus Clowns, Olive Garden on West 38<sup>th</sup> Street, Prairie Farms, Quality Wholesale Tire, Ray's Trash Service, and Eagle Highlands Regal Cinemas; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

*December 13, 2004*

SECTION 1. The Indianapolis City-County Council recognizes and commends all of those who make the Westside's Annual Breakfast with Santa event possible, including Marshall Lewis, the founder of this event, who spends countless hours in organizing the breakfast.

SECTION 2. For all the time, expense, and energy of planning and conducting this breakfast for the children, a big happy ear-to-ear smile from a little child at Christmastime is all the reward that is necessary for a good job well done.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 758, 2004. The proposal, sponsored by Councillors Cain, Borst, Bradford, Cockrum, Day, Keller, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider and Speedy, recognizes the Salvation Army of Indianapolis. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. Major Jim Hoskins, Salvation Army, thanked the Council for the recognition. Councillor Cain moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 758, 2004 was adopted by a unanimous voice vote.

Proposal No. 758, 2004 was retitled SPECIAL RESOLUTION NO. 64, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 2004

A SPECIAL RESOLUTION recognizing the Salvation Army of Indianapolis.

WHEREAS, the Salvation Army was founded in London, England in 1865 by William Booth to bring the lost multitude of England to Christ; and

WHEREAS, the Salvation Army started its ministry in Indiana in 1889; and

WHEREAS, the Central Indiana Chapter has served over 7,000 people in its substance abuse programs and over 47,000 people in its shelter, lodging, and care program; and

WHEREAS, the Salvation Army of Indianapolis has served over 225,000 meals, visited over 66,000 people in nursing facilities, hospitals, and homes; and

WHEREAS, the Salvation Army gave over 22,000 Hoosiers emergency disaster aid and counseling; and;

WHEREAS, the Salvation Army's traditional red kettle and bell are an integral part of the Christmas scene, with millions of dollars donated each year to aid needy families, seniors, and the homeless, in keeping with the spirit of the season; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Salvation Army of Indianapolis and its more than 9,000 volunteers who assist with its programs.

SECTION 2. The Council extends its gratitude and appreciation to the Salvation Army and wishes them success as they continue their mission of helping the needy during the Christmas holiday and beyond.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 759, 2004. The proposal, sponsored by Councillor Schneider, recognizes Marion County Treasurer Gregory N. Jordan. Councillor Schneider read the proposal and presented a copy of the document and a Council pin to Mr. Jordan. Mr. Jordan thanked the Council for the recognition and introduced his wife Rosie and son Michael. Councillors Conley, Bradford, Gray, and Boyd thanked Mr. Jordan for his service and said that politics aside, he gets work done for the people and Indianapolis is blessed to have committed dedicated people such as him in public service. Councillor Schneider moved, seconded by Councillor Bradford, for adoption. Proposal No. 759, 2004 was adopted by a unanimous voice vote.

Proposal No. 759, 2004 was retitled SPECIAL RESOLUTION NO. 65, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 2004

A SPECIAL RESOLUTION recognizing Marion County Treasurer Gregory N. Jordan.

WHEREAS, Gregory Jordan recently received the Association of Counties (AIC) 2004 Arthur R. Himsel Award, the highest award given by the AIC to an elected county official who has served the interest of County government through his/her involvement in AIC and/or the National Association of Counties; and

WHEREAS, Mr. Jordan received the award for years of dedicated service to his community and County government; and

WHEREAS, Mr. Jordan's community activism includes involvement with his church, the Masonic Lodge and Scottish Rite, the Indiana Masonic Home Foundation, Indianapolis Children's Choir, Central Indiana Regional Blood Center, March of Dimes, and Boy Scouts of America; and

WHEREAS, Mr. Jordan has worked for the AIC since 1998, serving on the following committees: Nominating Committee, 2002; Legislative Committee, 1998-2001; Taxation and Finance Committee 1999- Present; County Government Task Force, 1998; Investment Committee, 1999-Present; and Board of Directors in 2002; and

WHEREAS, Mr. Jordan served as President of the Indiana County Treasurers' Association in 2002 and currently serves on the National Association of Counties Finance and Intergovernmental Affairs Steering committee since 2001; and

WHEREAS, Mr. Jordan has served as Treasurer of Marion County since 1997 after serving as deputy treasurer for 14 years; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the achievements of Marion County Treasurer Gregory N. Jordan.

SECTION 2. The Council wishes to express its sincere appreciation to Mr. Jordan for his contributions to Indianapolis and Marion County.

SECTION 3. The Council wishes Mr. Jordan, his wife Rosemary, and their children Michael and Jennifer continued success.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 798, 2004. The proposal, sponsored by Councillor Boyd, recognizes Maribeth Smith, President of Maribeth Smith and Associates, as one of two organizers of the 2004 National League of Cities' Congress of Cities in Indianapolis. Councillor Nytes read the proposal and presented Ms. Smith with a copy of the document and a Council pin. Ms. Smith thanked the

Council for the recognition and for the opportunity to serve. She thanked her co-organizers Flory May and Ellen Saul and the countless dedicated volunteers who helped make the event a great success. President Boyd stated that without the natural amenities and sights other locations offer, he knew Indianapolis would need to make up for it in hospitality and courtesy. A delegate from North Carolina, where next year's winter conference will be held, made the comment that Indianapolis had set a standard that would be hard to live up to. He thanked Ms. Smith for all her hard work, time and energy. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 798, 2004 was adopted by a unanimous voice vote.

Proposal No. 798, 2004 was retitled SPECIAL RESOLUTION NO. 66, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 2004

A SPECIAL RESOLUTION recognizing Maribeth Smith, President of Maribeth Smith and Associates, as one of two organizers of the 2004 National League of Cities' Congress of Cities in Indianapolis.

WHEREAS, Mrs. Smith coordinated the City of Indianapolis' efforts to host the 2004 National League of Cities' Congress of Cities which consisted of over 600 volunteers; and

WHEREAS, Mrs. Smith worked with the Local Organizing Committee, the Local Steering Committee, local city officials and City County Councillors to successfully organize activities for over 4,000 city officials that visited the City of Indianapolis; and

WHEREAS, Mrs. Smith set the standard by which events should be hosted; and

WHEREAS, Mrs. Smith also successfully coordinated the Congress of Cities in 1984; and

WHEREAS, Mrs. Smith has successfully coordinated over 60 other large-scale events since her company's inception in 1992 including; three NCAA Final Fours, Indy Jazz Fest, Professional Convention Management Association annual meeting, United Way Community Leaders Conference and Habitat for Humanity's 25<sup>th</sup> Anniversary Celebration; and

WHEREAS, Mrs. Smith has served as a great community servant by volunteering her time for United Way of Central Indiana, Junior League, Children's Museum Guild and Christamore Aid Society; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the leadership of Maribeth Smith in making the 2004 National League of Cities Congress of Cities one of the best even held.

SECTION 2. Due to her hard work, Indianapolis continues to set the standard for conducting successful conferences and meetings.

SECTION 3. The Council wishes the best for Maribeth Smith, her husband J. Albert, their three children and their eight grandchildren.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Day asked for consent to amend the agenda to add Proposal No. 799, 2004, a copy of which all Councillors should have in front of them. Consent was given.

PROPOSAL NO. 799, 2004. The proposal, sponsored by All Councillors, recognizes the marriage of Councillor Mike Speedy to Amanda Dianne Smith. Councillor Day read the proposal and presented Councillor Speedy with a copy of the document. Councillor Speedy thanked the

Council for the recognition and stated that he is truly happy and blessed to have married his soulmate, who stood by him through his campaign and weathered many challenges. Councillor Day moved, seconded by Councillor Talley, for adoption. Proposal No. 799, 2004 was adopted by a unanimous voice vote.

Proposal No. 799, 2004 was retitled SPECIAL RESOLUTION NO. 67, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 2004

A SPECIAL RESOLUTION recognizing the marriage of Councillor Mike Speedy to Amanda Dianne Smith.

WHEREAS, Councillor Speedy has served as a member of the City-County Council since January 2004; and

WHEREAS, Councillor Speedy wed the love of his life, Amanda Dianne Smith, on December 4, 2004 at Bible Doctrine Church; and

WHEREAS, Councillor Speedy, who was born in Council District 24 and will now begin his marriage in that district; and

WHEREAS, Councillor Speedy has been an outstanding Councillor and servant in the community by serving on the Perry Township Fire Department Foundation, and participating in Big Brothers Big Sisters of Greater Indianapolis, now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The members of the City-County Council congratulate Councillor Speedy on his wedding and extend well wishes to the newlyweds.

SECTION 2. The Council welcomes his wife to be a part of the Council family.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Boyd stated that Proposal Nos. 713-715, 717-719, 722, 723, 725-731, 733-736, and 738-740, 2004 are all board and committee appointments which passed out of their respective committees with recommendations that they do pass. He asked for consent to vote on these proposals together.

PROPOSAL NO. 713, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints John Thompson to the City-County Administrative Board. PROPOSAL NO. 714, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Jackie Nytes to the Audit Committee. PROPOSAL NO. 715, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Steven Ajamie to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 717, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Rozelle Boyd to the Capital Improvement Board. PROPOSAL NO. 718, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Rick Cockrum to the Board of Parks and Recreation. PROPOSAL NO. 719, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Emily Nichols to the Board of Parks and Recreation. PROPOSAL NO. 722, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Kim Robinson to the Public Safety Board. PROPOSAL NO. 723, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints David Certo to the Citizens Police Complaint Board. PROPOSAL NO. 725, 2004. The proposal,



sponsored by Councillors Gray, Boyd and Sanders, reappoints Al Finnell to the Board of Public Works. PROPOSAL NO. 726, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Sue Schalk to the Board of Public Works. PROPOSAL NO. 727, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Belle Choate to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 728, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints William Oliver to the Urban Enterprise Association. PROPOSAL NO. 729, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Amy Kotzbauer to the Metropolitan Board of Zoning Appeals, Division I. PROPOSAL NO. 730, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Steven Badger to the Metropolitan Board of Zoning Appeals, Division I. PROPOSAL NO. 731, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Joanna Taft to the Metropolitan Board of Zoning Appeals, Division II. PROPOSAL NO. 733, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Brian Murphy to the Metropolitan Development Commission. PROPOSAL NO. 734, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Robert Kennedy to the Metropolitan Development Commission. PROPOSAL NO. 735, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Steve Stolen to the Metropolitan Development Commission. PROPOSAL NO. 736, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Robert Pfeifer to the Health and Hospital Corporation Board of Trustees. PROPOSAL NO. 738, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Jon M. Bailey to the Marion County Public Defender Board. PROPOSAL NO. 739, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Virginia D. McCarty to the Marion County Public Defender Board. PROPOSAL NO. 740, 2004. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Frank Anderson to the Information Technology Board.

Councillor Cain said that in light of the passage of Proposal No. 137, 2004 at last month's Council meeting, background checks should be performed on all of these appointees. She asked if that requirement has been met. Jean Milharcic, Clerk of the Council, stated that letters requesting consent for background checks have been sent to all of these appointees. General Counsel Aaron Haith stated that Majority Leader Gray has a motion to offer that would cover these proposals with a stipulation and address this issue.

Councillor Cockrum said that he understood that a form would be designed to accompany board applications and these background checks would be conducted and reported to the Committee on Committees before the appointments could be approved. Mr. Haith said that the form has been completed and the applications and forms have been mailed out. He said that Majority Leader Gray's motion recognizes that requirement, and these appointments serve at the pleasure of the Council and are not assured absolute terms. If an appointee does not satisfy the requirements of Proposal No. 137, 2004, they would not be sworn in to serve.

Councillor Gray made the following motion:

Mr. President:

I move that the Council go forward with the consideration of all proposals for Council appointments or Council reappointments to boards and commissions, with the provision that such approvals remain subject to the background requirements for such appointments as is required by our Rules.

Councillor Gibson seconded the motion.

Councillor Talley asked in the where someone is appointed and then a background report comes back negative, what effect would this have on any action taken by that individual on a board. Mr. Haith said that a person would be duly installed subject to satisfactory compliance with Proposal No. 137, 2004. If a person's report came back with a disabling factor, the Council could remove that person and reappoint another to fill that vacancy. Councillor Talley said that if a person is serving who has not yet had a background check and votes on serious matters, and later is removed from that board, any action they have taken on that board may be under appeal or review if they were not legally appointed. Mr. Haith said that he does not believe this will come to pass, and all of these are reappointments of existing board and commission members.

Councillor Cain asked if the effective date of Proposal No. 137, 2004 is January 1, 2005. Mr. Haith said that the effective date written into the ordinance was December 1, 2004. Councillor Cain said that since these are reappointments, they will continue to serve until a successor is named or they are replaced. Therefore, the Council could wait until the background check information is returned before taking action on these proposals and handle them all in January.

Councillor Borst said that he does not believe it is proper to pass these proposals subject to Councillor Gray's motion. He said that the ordinance that was passed said that the background check has to be finished and reviewed by the Committee on Committees, and all that has happened is that the letters were sent out. He said that passing them would make them new appointments with new terms instead of simply serving until a successor is named. He said that for that reason, he has to oppose each one of these if they are voted on this evening. He said that he would prefer they wait to vote on them until next year when the background checks are completed.

Councillor Bradford moved, seconded by Councillor Schneider, to table Proposal Nos. 713-715, 717-719, 722, 723, 725-731, 733-736, and 738-740, 2004. Mr. Haith said that the debate at this point is on Councillor Gray's motion and not on these particular proposals, and therefore, Councillor Bradford's motion is out of order. Councillor Schneider said that Councillor Gray's motion is on this block of proposals, and therefore a motion to table those proposals and all debate and motions on those proposals takes precedence. Mr. Haith said that Councillor Gray's motion goes to the question of voting on these proposals as a block of proposals and not to any particular proposal.

Councillor Salisbury said that he does not quite understand the motion. He asked if Councillor Gray's motion is simply to vote on these proposals together, or if there is more to it. Mr. Haith said that Councillor Gray's motion includes a condition as well as the capacity to vote on the proposals as a block.

Councillor Schneider said that he does not remember any reference to voting on the proposals together in the motion and asked that Councillor Gray repeat his motion. Councillor Gray repeated the following motion:

Mr. President:

I move that the Council go forward with the consideration of all proposals for Council appointments or Council reappointments to boards and commissions with the provision that such approvals remain subject to the background requirements for such appointments as is required by our Rules.

Councillor McWhirter asked who is responsible for determining whether or not these applicants pass a background check. President Boyd stated that this would be the responsibility of the Clerk

of the Council and the Committee on Committees. Councillor McWhirter asked what constitutes passing a background check. She asked if there are guidelines as to misdemeanors or felonies that can be overlooked. She said with the make-up of the Committee on Committees being two of one party versus one of another party, the majority party could overlook a background and overrule the other member of the Committee. Mr. Haith said that Proposal No. 137, 2004 specified the nature of the background check, which is called a "limited criminal history." He said that if any history comes up in the background check, the Clerk would refer that history to the Committee on Committees. There are certain disqualifiers that are listed in a limited background check as per State statute, as Councillor Cain explained to the Rules and Public Policy Committee when this was considered. He added that he does not believe any member of the Committee on Committees would overlook these disqualifiers.

Councillor Cockrum said that he does not see any urgency to pass these proposals this evening. He added that the particular position referred to in Proposal No. 717, 2004 has, in his experience, been reserved for an officer of the Council, and since those positions are not elected until January, he would like to see that particular proposal held until after that election. Councillor Mansfield said that the statute does not state that this position has to be filled by an officer, but rather just a Council member. Councillor Cockrum said that it has been practice for nine years that it be an officer of this body.

Councillor Schneider urged his colleagues to vote against the motion. He said that it is not fair to have appointees come in and begin serving before all requirements are met and it is determined that they can indeed serve. Mr. Haith said that since these are reappointments, these individuals continue to serve until a successor is appointed and qualifies. The qualifying aspect does not happen until the Clerk of the Council swears them in, and that would not take place until the background checks are performed.

Councillor Gray's motion carried on the following roll call vote; viz:

*15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley*

*14 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy*

Councillor Bradford moved, seconded by Councillor Schneider, to postpone Proposal Nos. 713-715, 717-719, 722, 723, 725-731, 733-736, and 738-740, 2004 until January 10, 2004. Proposal Nos. 713-715, 717-719, 722, 723, 725-731, 733-736, and 738-740, 2004 were postponed on the following roll call vote; viz:

*19 YEAS: Borst, Bradford, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mansfield, McWhirter, Moriarty Adams, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

*10 NAYS: Abdullah, Bowes, Boyd, Brown, Conley, Gray, Mahern, Nytes, Oliver, Sanders*

## **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 743, 2004. Introduced by Councillors Salisbury and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a nonreverting fund to be known as the "Delinquent Business Personal Property Settlement Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 744, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 5,400 square feet of office space at 5617-5629 West 73rd Street for the use of the Marion County Sheriff's Department"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 745, 2004. Introduced by Councillors Keller and Borst. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 12,130 square feet of space at 908-928 Virginia Avenue for use by the Marion Superior Court"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 746, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$131,996 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for nine (9) officers assigned to the Indianapolis, Metropolitan Gang Safe Streets Task Force, funded by a grant from Federal Bureau of Investigation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 747, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$105,000 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to hire deputies, pay overtime and purchase law enforcement equipment, funded by a Federal Law Enforcement Block Grant #8"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 748, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$17,993 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to reimburse one Officer assigned to the Drug Enforcement Administration and overtime for Safe Street Task Force, funded by a grant from the Drug Enforcement Administration and the Federal Bureau of Investigation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 749, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$29,333 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for two (2) officers assigned to the Indianapolis Violent Crimes Major Incident Safe Streets Task Force, funded by a grant from the Federal Bureau of Investigation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 750, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$63,053 in the 2004 budget of the Marion Superior Court, Juvenile Division (State and Federal Grants Fund) to transfer money between characters to use the remaining funds, funding from Juvenile Accountability Incentive Block Grant #5"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 752, 2004. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Meridian Street near Bluff Avenue"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 753, 2004. Introduced by Councillors Gibson, Pfisterer and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Decatur Discovery Academy" by issuing a charter to Decatur Discovery Academy , Inc. "; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 754, 2004. Introduced by Councillors Gibson and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Mozel Sanders Academy" by issuing a charter to Mozel Sanders Academy, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 755, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with regards to NCAA events and the sale of tickets for such events"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 756, 2004. Introduced by Councillors Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code establishing a Marion County Early Intervention Planning Council"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 760, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 761, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 762, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Melina Maniatis Kennedy as the Deputy Mayor for Economic Development"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 763, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 764, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Joseph L.B. Wynns as the Director of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 765, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 766, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of James A. Garrard as the Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 767, 2004. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 768, 2004. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lakesa Jackson to the Citizens Advisory Committee for Warren Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 769, 2004. Introduced by Councillors Langsford and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sharon Tobard to the Citizens Advisory Committee for Warren Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 770, 2004. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James Rogers to the Citizens Advisory Committee for Lawrence Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 771, 2004. Introduced by Councillors Cain and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Ken Pendleton to the Citizens Advisory Committee for Lawrence Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 772, 2004. Introduced by Councillors Cockrum and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sue Ellen Collins to the Citizens Advisory Committee for Decatur Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 773, 2004. Introduced by Councillors Gray and Bowes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dr. Craig Johnson to the Citizens Advisory Committee for Pike Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 774, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Matt Klein to the Citizens Advisory Committee for Pike Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 775, 2004. Introduced by Councillors Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Katherine Caldwell Kennedy to the Citizens Advisory Committee for Franklin Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 776, 2004. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Cathy Barton to the Citizens Advisory Committee for Franklin Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 777, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Alan Retherford to the Citizens Advisory Committee for Franklin Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 778, 2004. Introduced by Councillors Abdullah, Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Doris A. McNeill to the Citizens Advisory Committee for Wayne Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 779, 2004. Introduced by Councillors Borst, McWhirter and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Pam Sheeds to the Citizens Advisory Committee for Wayne Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 780, 2004. Introduced by Councillors Boyd, Gray, Nytes and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jay VanSanten to the Citizens Advisory Committee for Center Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 781, 2004. Introduced by Councillors Borst and Keller. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jonathan Elrod to the Citizens Advisory Committee for Center Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 782, 2004. Introduced by Councillors Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Amber Watkins to the Citizens Advisory Committee for Perry Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 783, 2004. Introduced by Councillors Borst, Cockrum and Day. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John Braun to the Citizens Advisory Committee for Perry Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 784, 2004. Introduced by Councillors Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Francette Calvin to the Citizens Advisory Committee for Washington Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 785-790, 2004, PROPOSAL NO. 791, 2004, PROPOSAL NOS. 792-796, 2004, and PROPOSAL NO. 797, 2004. Introduced by Councillor Talley. Proposal Nos. 785-790, 2004, Proposal No. 791, 2004, Proposal Nos. 792-796, 2004, and Proposal No. 797, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission

on November 5, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 170-182, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 170, 2004.

2004-ZON-122

3202 EAST 42<sup>ND</sup> STREET (Approximate Address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

BOARD OF SCHOOL COMMISSIONERS, requests a rezoning of 6.92 acres, being in the D-5 (W-5) District, to the SU-2 (W-5) classification to provide for educational uses.

REZONING ORDINANCE NO. 171, 2004.

2004-ZON-124

531 EAST MARKET STREET (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15 (RC) (FF)

CARPENTER'S LOCAL UNION #60 requests a rezoning of 0.48 acres, being in the I-3-U District, to the CBD-2 classification to provide for a union hall.

REZONING ORDINANCE NO. 172, 2004.

2004-ZON-125

1401 SOUTH LYNHURST DRIVE (Approximate Address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

BOA ENTERPRISES, LLC, by David Gilman, requests a rezoning of 0.90 acre, being in the D-3 District, to the C-S classification to provide for a sign contracting business.

REZONING ORDINANCE NO. 173, 2004.

2004-ZON-129

1402 NORTH SHADELAND AVENUE (Approximate Address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #17

JUSTUS HOME BUILDERS, INC., by Thomas Michael Quinn, requests a rezoning of 1.635 acres, being in the SU-34 District, to the C-3 classification to provide for office uses.

REZONING ORDINANCE NO. 174, 2004.

2004-ZON-133

5751 NORTH GERMAN CHURCH ROAD (Approximate Address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #12

MANN PROPERTIES, LLP, by Stephen D. Mears, requests a rezoning of 2.29 acres, being in the C-3 District to the C-4 classification to provide automotive related uses.

REZONING ORDINANCE NO. 175, 2004.

2004-ZON-838

6601 FIVE POINTS ROAD AND 7400 EAST SOUTHPORT ROAD (Approximate Addresses), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25

PULTE HOMES OF INDIANA, by David Retherford, requests a rezoning of 64.42 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 176, 2004.

2004-ZON-107

3515 WASHINGTON BOULEVARD (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

LARNELL BURKS-BAGLEY requests a rezoning of 0.97 acre, being in the D-3 District, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 177, 2004.

2004-ZON-131

2110 MUESSING ROAD (Approximate Address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #21



*December 13, 2004*

ROBERT and CYNTHIA McILVAINE request a rezoning of 10 acres, being in the D-S District, to the D-A classification to provide for residential uses.

REZONING ORDINANCE NO. 178, 2004.

2004-ZON-134

5360 EAST 75<sup>th</sup> STREET (Approximate Address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

J. J. T. PARTNERSHIP, by Robert A. Hicks, requests a rezoning of 7.658 acres, being in the D-A (FW) (FF) District, to the D-S (FW) (FF) classification to provide for a single-family dwelling.

REZONING ORDINANCE NO. 179, 2004.

2004-ZON-139

8109 NORTH KEYSTONE AVENUE (Approximate Address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

BOYD REALTY INVESTMENTS, LLC requests a rezoning of 0.395 acre, being in the C-S District, to the C-S classification to provide for C-1, C-2 and some C-3C uses.

REZONING ORDINANCE NO. 180, 2004.

2004-ZON-140

1201-1301 STADIUM DRIVE and 1306 MILBURN STREET (Approximate Addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

THE BRUCE A. BODNER COMPANY, by David R. Warshauer, requests a rezoning of 5.02 acres, being in the C-4 (W-1) and D-5 (W-1) Districts, to the I-2-U (W-1) classification to provide for an engineering and research laboratory including manufacturing, assembly and repair of medical instruments (not permitted).

REZONING ORDINANCE NO. 181, 2004.

2004-ZON-141

9350 MICHIGAN ROAD, 9339 WALDEMAR ROAD AND 4020-4048 WEST 94<sup>TH</sup> STREET (Approximate Addresses), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

MAPLE & MAIN REDEVELOPMENT, by Thomas Michael Quinn, requests a rezoning of 8.589 acres, being in the D-2, C-2 and C-6 Districts to the C-6 classification to provide for commercial uses.

REZONING ORDINANCE NO. 182, 2004.

2004-ZON-117

1225 BEDFORD STREET (Approximate Address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

MENCER PROPERTIES, LLC, by David Kingen, requests a rezoning of 3.24 acres, being in the D-5 District, to the I-4-U classification to legally establish industrial uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 628, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 628, 2004 on November 18, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$30,090 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund Kindergarten before and after school programs at Indianapolis Public School (IPS) #82, Christian Park Elementary, financed by a grant from the United States Department of Education. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:30 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 628, 2004 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley  
1 NAY: Schneider

Proposal No. 628, 2004 was retitled FISCAL ORDINANCE NO. 194, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 194, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Thirty Thousand Ninety Dollars (\$30,090) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund Kindergarten before and after school programs at Indianapolis Public School (IPS) #82, Christian Park Elementary, financed by a grant from the United States Department of Education.

SECTION 2. The sum of Thirty Thousand Ninety Dollars (\$30,090) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	2,680
3. Other Services and Charges	29,960
4. Capital Outlay	<u>450</u>
TOTAL INCREASE	30,090

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>30,090</u>
TOTAL REDUCTION	30,090

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 659, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 659, 2004 on December 7, 2004. The proposal, sponsored by Councillors Nytes and McWhirter, approves temporary tax anticipation borrowing for the City of Indianapolis. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 659, 2004 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:

Proposal No. 659, 2004 was retitled FISCAL ORDINANCE NO. 195, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 195, 2004

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Consolidated City Fire Force Account and the Park General Fund during the period January 1, 2005, through December 31, 2005, in anticipation of current taxes levied in the year 2004 and collectible in the year 2005 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 2005 distributions of Taxes levied for such Account, and the June and December 2005 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Forty-two Million, Ninety-five Thousand, Seventy-four Dollars (\$42,095,074) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

B. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 2005 distributions of Taxes levied for such Account, and the June and December 2005 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Thirty-four Million Six Hundred Ninety-nine Thousand and Ten Dollars (\$34,699,010) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and

C. that there will be insufficient funds in the Park General Fund to meet the current expenses payable from such Fund prior to the June and December 2005 distributions of Taxes levied for such Fund, and the June and December 2005 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Eighteen Million, Four Hundred Eighty-seven Thousand, Seven Hundred Fifty-nine Dollars (\$18,487,759) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 2004 and in the course of collection for the year 2005; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Forty-two Million, Ninety-five Thousand, Seventy-four Dollars (\$42,095,074) in anticipation of Taxes for the Account for the year 2005, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 2005 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 2005 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 2005

Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Thirty-four Million Six Hundred Ninety-nine Thousand and Ten Dollars (\$34,699,010) in anticipation of Taxes for the Account for the year 2005, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 2005 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 2005 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 2005 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Eighteen Million, Four Hundred Eighty-seven Thousand, Seven Hundred Fifty-nine Dollars (\$18,487,759) in anticipation of Taxes for the Fund for the year 2005, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 2005 distributions of Taxes for the Park General Fund to the Park General Fund, the 2005 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Park General Fund 2005 Budget Fund No. 17, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 5. The Warrants for each Fund or Account may be issued in one series, designated Series 2005 Warrants ("Series 2005 Warrants") or in two series, designated Series 2005A and Series 2005B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2005 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2005 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 2005 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 30, 2005. All Series B Warrants and Series 2005 Warrants shall mature and be payable not later than December 31, 2005. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 5. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 5. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 4 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion

December 13, 2004

thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 6. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_  
CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT, SERIES 2005\_\_\_\_  
(\_\_\_\_\_) [FUND] [ACCOUNT]

On the \_\_\_\_ day of \_\_\_\_\_, 2005, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 2004, and payable in the [first installment] [second installment] for the year 2005 ("Taxes"), which Taxes are now in course of collection for the \_\_\_\_\_ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$\_\_\_\_\_ evidencing a temporary loan in anticipation of the Taxes for the \_\_\_\_\_.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 2004, for the purpose of providing funds for the \_\_\_\_\_ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the \_\_\_\_\_ of the City for the year of 2004, payable in the [first installment] [second installment] for the year 2005, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Mayor, City of Indianapolis

COUNTERSIGNED:

By: \_\_\_\_\_  
Controller, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Clerk, City of Indianapolis

EXHIBIT A  
(Advances)

[End of Warrant Form]

SECTION 7. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 8. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended and in existence on the date of issuance of the Warrants ("Code"), and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants, the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 660, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 660, 2004 on December 7, 2004. The proposal, sponsored by Councillors Nytes and McWhirter, approves temporary tax anticipation borrowing for Marion County. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Pfisterer asked if they know the interest rate on the loan. Councillor Nytes said that until they finalize the closing documents in January, they will not know, but she has confidence the administration will choose the best possible rates they can find.

President Boyd called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor McWhirter, for adoption. Proposal No. 660, 2004 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:

Proposal No. 660, 2004 was retitled FISCAL ORDINANCE NO. 196, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 196, 2004

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 2005, through December 31, 2005, in anticipation of current taxes levied in the year 2004 and collectible in the year 2005 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 2004 and in the process of collection in 2005, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than One Hundred Twelve Million, Seventy-two Thousand, One Hundred Sixty-four Dollars (\$112,072,164) and the interest cost of making temporary loans for the County General Fund; and

B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Forty-one Million Nine Hundred Thirteen Thousand, Four Hundred Eighty-Eight Dollars (\$41,918,488) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 2004 and in the course of collection for the year 2005; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of One Hundred Twelve Million, Seventy-two Thousand, One Hundred Sixty-four Dollars (\$112,072,164) in anticipation of Taxes for the Fund for the year 2005, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 2005 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Forty-one Million Nine Hundred Thirteen Thousand, Four Hundred Eighty-Eight Dollars (\$41,918,488) in anticipation of Taxes for the Fund for the year 2005, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 2005 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 2005 Warrants ("Series 2005 Warrants") or in two series, designated Series 2005A and Series 2005B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2005 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2005 for that Fund. The Series B Warrants for each Fund may be issued in an amount not to exceed the amount of the December 2005 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 2005. All Series B Warrants and Series 2005 Warrants shall mature and be payable not later than December 31, 2005. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):



December 13, 2004

No. \_\_\_\_\_

Principal \$ \_\_\_\_\_

MARION COUNTY  
TAX ANTICIPATION TIME WARRANT, SERIES 2005 \_\_\_\_  
(\_\_\_\_\_ FUND)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2005, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of \_\_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 2004, and payable from the [first installment] [second installment] for the year 2005 ("Taxes"), which Taxes are now in course of collection for the County \_\_\_\_\_ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), evidencing a temporary loan in anticipation of the Taxes for the County \_\_\_\_\_ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, for the purpose of providing funds for the County \_\_\_\_\_ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County \_\_\_\_\_ Fund for the year of 2004, payable in the [first installment] [second installment] for the year 2005, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE BOARD OF COMMISSIONERS OF  
MARION COUNTY, INDIANA

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

COUNTERSIGNED:

By: \_\_\_\_\_  
Mayor, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Auditor, Marion County

EXHIBIT A  
(Advances)  
[End of Warrant Form]

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended and in existence on the date of issuance of the Warrants ("Code"), and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 662-664, 666-668, 673, and 674, 2004 on December 8, 2004. She asked for consent to vote on these proposals together. Councillor Cockrum stated that he would like to vote on Proposal No. 663, 2004 separately. Councillor Schneider said that he would like to vote on Proposal No. 667, 2004 separately. Consent was given to vote on Proposal Nos. 662, 664, 666, 668, 673, and 674, 2004 together.

PROPOSAL NO. 662, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$315,650 in the 2004 Budget of the Marion County Sheriff (County General Fund) to fund the cost of prisoner beds at Jail II (CCA), funded by a inter-local agreement between the Marion County Prosecutor and the Marion Superior Court which dedicates increased traffic fines to the County General Fund to pay for jail beds at CCA.

PROPOSAL NO. 664, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$25,000 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund salary, fringes, supplies and printing for the Southside Umbrella Management Organization Conflict Resolution Emphasis position, funded by a grant from the U.S. Department of Justice, Executive Weed & Seed Office. PROPOSAL NO. 666, 2004. The proposal, sponsored by Councillor McWhirter, Public Safety and Criminal Justice Committee, approves an increase of \$389,623 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to hire three juvenile prosecutors, one paralegal, partial salaries and fringes for Community Prosecution Division, training, computers, software to enhance adjudication of cases involving violent offenders to include juvenile offenders, funded by a grant from Local Law Enforcement Block Grant 8, from the U.S. Department for Justice. PROPOSAL NO. 668, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$347,540 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund Community Prosecution Division salaries, fringes and printing, funded by a grant from Byrne Memorial Fund, Indiana Criminal Justice Institute. PROPOSAL NO. 673, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$64,742 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to transfer carryover grant money fiscal year 02-03 to fiscal year 04-05 for the Community Transition Program and Re-entry Court, funded by a grant from the Department of Correction. PROPOSAL NO. 674, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$1,206,078 in the 2004 Budget of Marion County Community Corrections (Home Detention User Fee Fund) to fund the second six months, fiscal year 2004/2005, of the Home Detention Program. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 662, 664, 666, 668, 673, and 674, 2004 were adopted on the following roll call vote; viz:

*29 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
*0 NAYS:*

Proposal No. 662, 2004 was retitled FISCAL ORDINANCE NO. 197, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 197, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Three Hundred Fifteen Thousand Six Hundred Fifty Dollars (\$315,650) in the County General Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (b) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of funding the cost of prisoner beds at Jail II CCA.

SECTION 2. The sum of additional Three Hundred Fifteen Thousand Six Hundred Fifty Dollars (\$315,650) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>315,650</u>
TOTAL INCREASE	315,650

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>315,650</u>
TOTAL REDUCTION	315,650

SECTION 5. The projected December 31, 2004, fund balance for the County General Fund is as follows:

Current cash balance 06-30-04	-1,147,612
Anticipated additional revenue through December 31, 2004	96,077,246
Anticipated additional revenue (Traffic Tickets)	316,650
Charge-back to probation	<u>76,594</u>
Projected funds available	95,322,878
 Remaining appropriations and encumbrances	 94,924,749
Proposed additional appropriations	316,650
<u>76,594</u>	
Funds required	95,317,993
 Projected fund balance December 31, 2004	 4,885

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 664, 2004 was retitled FISCAL ORDINANCE NO. 198, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 198, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114 2003) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund salary, fringes, supplies and printing for the Southside Umbrella Management Organization Conflict Resolution Emphasis position.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	21,400
1. Personal Services- Fringes	2,000
2. Supplies	900
3. Other Services and Charges	<u>700</u>
TOTAL INCREASE	25,000

December 13, 2004

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

SECTION 5. No match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 666, 2004 was retitled FISCAL ORDINANCE NO. 199, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 199, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Three Hundred Eighty-nine Thousand Six Hundred Twenty-three Dollars (\$389,623) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to hire three (3) juvenile prosecutors, one paralegal, partial salaries and fringes for Community Prosecution Division, training, computers, software to enhance adjudication of cases involving violent offenders to include juvenile offenders.

SECTION 2. The sum of Three Hundred Eighty-nine Thousand Six Hundred Twenty-three Dollars (\$389,623) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1 Personal Services	287,453
1 Personal Services-fringes	82,746
3. Other Services and Charges	15,000
4. Capital Outlay	<u>4,424</u>
TOTAL INCREASE	389,623

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>389,623</u>
TOTAL REDUCTION	389,623

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 668, 2004 was retitled FISCAL ORDINANCE NO. 200, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 200, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Three Hundred Forty-seven Thousand Five Hundred Forty Dollars (\$347,540) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund Community Prosecution Division salaries, fringes and printing.

SECTION 2. The sum of additional Three Hundred Forty-seven Thousand Five Hundred Forty Dollars (\$347,540) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	274,419
1. Personal Services- Fringes	72,121
3. Other Services and Charges	<u>1,000</u>
TOTAL INCREASE	347,540

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>347,540</u>
TOTAL REDUCTION	347,540

SECTION 5. The local match of \$115,847 is funded by the following existing appropriations in the Marion County Prosecutor's Budget, \$98,479 and the remainder \$17,368 from the Drug Free Fund.

Existing appropriation for the Prosecutor

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	98,479

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 673, 2004 was retitled FISCAL ORDINANCE NO. 201, 2004, and reads as follows:

December 13, 2004

CITY-COUNTY FISCAL ORDINANCE NO. 201, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Sixty-four Thousand Seven Hundred Forty-two Dollars (\$64,742) in the State and Federal Grants Fund for purposes of Marion County Community Corrections and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to transfer carryover grant money fiscal year 02-03 to fiscal year 04-05 for the Community Transition Program and Re-entry Court.

SECTION 2. The sum of an additional Sixty-four Thousand Seven Hundred Forty-two Dollars (\$64,742) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	19,375
1. Personal Services-fringes	5,812
2. Supplies	6,542
3. Other Services and Charges	<u>33,013</u>
TOTAL INCREASE	64,742

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>64,742</u>
TOTAL DECREASE	64,742

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 674, 2004 was retitled FISCAL ORDINANCE NO. 202, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 202, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional One Million Two Hundred Six Thousand Seventy-eight Dollars (\$1,206,078) in the Home Detention User Fee Fund for purposes of Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the User Fee Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to fund the second six months (FY 04/05) of the Home Detention program.

SECTION 2. The sum of be, additional One Million Two Hundred Six Thousand Seventy-eight Dollars (\$1,206,078) and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	474,659
1. Personal Services - Fringes	139,271
2. Supplies	38,500
3. Other Charges and Services	536,148
4. Capital Outlay	<u>17,500</u>
TOTAL INCREASE	1,206,078

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>1,206,078</u>
TOTAL REDUCTION	1,206,078

SECTION 5. The projected December 31, 2004, fund balance for the Home Detention User Fee Fund is as follows:

Current cash balance 09-30-04	1621,567
Anticipated additional revenue through December 31, 2004	<u>637,674</u>
Projected funds available	2,259,241
Remaining appropriations and encumbrances	90,564
Proposed additional appropriation	<u>1,206,078</u>
Funds required	1,296,642
Projected fund balance December 31, 2004	962,599

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 663, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 663, 2004 on November 17, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$76,594 in the 2004 budget of the Marion County Sheriff (County General Fund) to assign three Building Deputies, armed and uniformed to provide security service for the courts. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that with bailiffs doing administrative work, maybe they could be retrained or reassigned, so that more positions are not needed. Sue Patterson, finance director for the Marion Superior Court, stated that this proposal appropriates money for the Sheriff to provide security at three satellite probation offices and is not for court bailiffs.

President Boyd called for public testimony at 8:50 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 663, 2004 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:



Proposal No. 663, 2004 was retitled FISCAL ORDINANCE NO. 203, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 203, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Seventy-six Thousand Five Hundred Ninety-four Dollars (\$76,594) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff to assign three (3) Building Deputies, armed and uniformed to provide security service for the courts.

SECTION 2. The sum of Seventy-six Thousand Five Hundred Ninety-four Dollars (\$76,594) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	55,354
2. Supplies	4,980
3. Other Services and Charges	3,360
4. Capital Outlay	<u>12,900</u>
TOTAL INCREASE	76,594

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>76,594</u>
TOTAL REDUCTION	76,594

SECTION 5. The projected December 31, 2004, fund balance for the County General Fund is as follows:

Current cash balance 06-30-04	-1,147,612
Anticipated additional revenue through December 31, 2004	96,077,246
Anticipated additional revenue (Traffic Tickets)	316,650
Charge-back to probation	<u>76,594</u>
Projected funds available	95,322,878
Remaining appropriations and encumbrances	94,924,749
Proposed additional appropriations	316,650
<u>76,594</u>	
Funds required	95,317,993
Projected fund balance December 31, 2004	4,885

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 667, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 667, 2004 on November 17, 2004. The proposal, sponsored by Councillor McWhirter, approves an increase of \$27,500 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund to fund Big City-County Seat Belt Enforcement by local law enforcement agencies, funded by a grant from Indiana Criminal Justice

Institute through the U.S. Department of Transportation and the National Highway Traffic Safety Administration. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that it is silly to spend valuable resources on this type of activity instead of more important things like violent crime.

President Boyd called for public testimony at 8:52 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 667, 2004 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*  
4 NAYS: *Bradford, Cain, Keller, Schneider*

Proposal No. 667, 2004 was retitled FISCAL ORDINANCE NO. 204, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 204, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Twenty-seven Thousand Five Hundred Dollars (\$27,500) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund Big City-County Seat Belt Enforcement by local law enforcement agencies

SECTION 2. The sum of Twenty-seven Thousand Five Hundred Dollars (\$27,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	8,500
1. Personal Services- Fringes	651
3. Other Services and Charges	<u>18,349</u>
TOTAL INCREASE	27,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>27,500</u>
TOTAL REDUCTION	27,500

SECTION 5. No match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 246, 2004. Councillor Sanders reported that the Rules and Public Policy Committee heard Proposal No. 246, 2004 on November 16, 2004. The proposal, sponsored by Councillors Boyd and Bowes, permits county constitutional officeholders to serve on the Information Technology Board by annual proxy. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst stated that it is ironic that certain Council members fought to get the Sheriff assigned to the Information Technology (IT) Board, and now he does not want to attend meetings.

Councillor Gibson said that the other constitutional officers can send their chief deputies to attend in their stead, but because the Sheriff does not have this particular position, he is not afforded the same courtesy. He said that the County Auditor routinely sends her chief deputy to these meetings. There are many times when the Sheriff's duties would call for him to be elsewhere and he needs to have the same option.

Councillor Mahern added that there are also agenda items that warrant that the Sheriff send someone with more hands-on IT experience than he may have.

Councillor Bowes said that any elected official is not required to use a proxy, and they cannot just send anyone but must appoint a designated proxy for the entire year to assure consistency.

Councillor McWhirter said that the Council should re-assign the County Treasurer to the board if the Sheriff does not wish to attend.

Councillor Nytes stated that she shared some of Councillor Borst's concerns, but after a conversation with the Sheriff, she is comfortable that the designees are more closely engaged with the Sheriff's Department's IT needs and will represent the Sheriff's interests well.

Councillor Sanders moved, seconded by Councillor Bowes, for adoption. Proposal No. 246, 2004 was adopted on the following roll call vote; viz:

*18 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Talley*  
*11 NAYS: Borst, Bradford, Cain, Cockrum, Langsford, McWhirter, Pfisterer, Randolph, Salisbury, Schneider, Speedy*

Proposal No. 246, 2004 was retitled GENERAL ORDINANCE NO. 113, 2004, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 113, 2004**

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to permit the county constitutional officeholders to serve on the information technology board by annual proxy.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 281-211 of the "Revised Code of the Consolidated City and County," regarding membership of the information technology board, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 281-211. Board created; members; compensation.**

(a) To ensure enterprise-wide connectivity, compatibility and integration of information technology and the cost effective provision of quality information systems and services, including telecommunications, there is hereby created the county information technology board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) Two (2) city officers appointed by the mayor of the city to serve at the pleasure of the mayor. One (1) such person shall be a representative for public safety agencies, and the other shall be a representative for public service agencies;
- (2) Three (3) of four (4) county constitutional officeholders, limited to the auditor, the clerk, the sheriff and the treasurer of the county, to be appointed by and serve at the pleasure of the council;
- (3) One (1) representative appointed by the presiding judges of the county superior court, representing the judicial branch of local government;
- (4) Two (2) persons, with senior management experience which includes holding or having held line authority over the manager of the data processing area of an organization located in Marion County, that utilizes a large data processing installation comparable to the city-county installation, and that is not in the business of selling data processing equipment or services. One (1) such person shall be appointed by the council and the other by the mayor. The terms of such appointments shall be staggered by the initial appointment of the mayor's appointment to a three-year term and the council's appointment to a two-year term; thereafter each to serve for two-year terms but at the pleasure of the respective appointing authority; and
- (5) One (1) township assessor appointed by the majority vote of the nine (9) township assessors of Marion County.

(b) The three constitutional officeholders appointed by the council pursuant to the authority in (a)(2) above may serve by proxy. The officeholder shall appoint the proxy in writing annually. All other Board members shall serve in person and not by proxy; Board Members shall serve ~~and~~ without compensation, except that personal expenses incurred through service to the board, travel, lodging and fees may be reimbursed to the board member upon authorization of the board.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 658, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 658, 2004 on November 22, 2004. The proposal, sponsored by Councillor Nytes, approves the amounts, locations and programmatic operation for each project to be funded from the Community Development Grant Funds for 2005. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Abdullallah asked if this year's grant allocations include funds to take care of seniors. Julie Slaughter, administrator of the Division of Community Development for the Department of Metropolitan Development, stated that funds have increased for Community Action of Greater

Indianapolis (CAGI), and they are a county-wide organization and are not limited to helping one area or one program. Councillor Abdullah asked what the time frame is for homeowner repair. Ms. Slaughter said that there is usually a two or three week turnaround for a furnace repair and longer for roof repairs or more substantial repairs. Once the applicant qualifies, the process starts immediately, and there are always funds set aside for emergencies in furnace repair.

Councillor Cain said that during the budget process, the Council struggled to help organizations like Noble of Indiana, the Marion County Fair Board, and Purdue Cooperative Extension find much-needed funds. She asked if these organizations could apply for funds through this program. Ms. Slaughter said that they could and she will contact them to let them know of this possibility.

Councillor McWhirter asked how entities apply and how the distribution is decided. Ms. Slaughter said that a request for proposals (RFP) is released in the summer and after applications are submitted, there is a long intricate process with many steps and safeguards to choose the best applicants who will put the funds to the best use in the community.

Councillor Gibson commended Ms. Slaughter and her staff for funding Community Centers of Indianapolis, Keys to Work, and the Brownfields projects.

Councillor Keller said that during the National League of Cities, elected officials were taken on a tour of the Fall Creek Place project, which seems to be the city's crowning glory. However, there are still 8,000 abandoned homes in surrounding areas, with a great deal in his district, and he must vote against these priorities.

Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 658, 2004 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Speedy, Talley*  
*5 NAYS: Bradford, Cain, Keller, Salisbury, Schneider*

Proposal No. 658, 2004 was retitled SPECIAL RESOLUTION NO. 68, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 2004

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No.456, 2004, the 2005 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4 (b) of the Budget Ordinance, as approved by the Council, reads as follows:

Community Development Grant Funds. Until this Council has approved the amounts, locations, and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent;

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2004 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2004, to the Council; and

WHEREAS, the 2005 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2005 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2005 Consolidated Annual Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2005 Consolidated Annual Action Plan, which are summarized in the Summary of 2005 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

PROPOSAL NO. 661, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 661, 2004 on November 18, 2004. The proposal, sponsored by Councillors Gray and Cockrum, clarifies the types of expenditures that can be made from the Department of Parks special recreation fund and to allow the fund to receive and hold private grant dollars and donations. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 661, 2004 was adopted on the following roll call vote; viz:

*29 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
*0 NAYS:*

Proposal No. 661, 2004 was retitled GENERAL ORDINANCE NO. 114, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 114, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the types of expenditures that can be made from the Department of Parks and Recreation special recreation fund and to allow the fund to receive and hold private grant dollars and donations. The proposal also deletes the requirement that a program must be self-supporting.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 135-361 of the "Revised Code of the Consolidated City and County," regarding the special recreation fund is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

DIVISION 6. SPECIAL RECREATION FUND

Sec. 135-361. Special recreation fund; sports account fund.

(a) The council hereby establishes the special recreation fund and the sports account fund as special nonreverting operating funds, from which approved expenditures for league fees, payment of umpires, management, maintenance, materials, supplies and the like may be made by the city department of parks and recreation without specific appropriation, which funds shall be comprised of fees derived from specific recreation and instructional programs, private grants and donations received for the benefit of those programs.

(b) Moneys in the form of fees procured from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited in the special nonreverting operating funds established under subsection (a) of this section.

(c) Moneys from the special nonreverting operating funds shall be disbursed only on approved claims allowed and signed by the director of the city department of parks and recreation or the director's designated representatives under applicable law and rulings of the state board of accounts. All funds established under this section shall maintain a positive balance at all times.

~~(d) No moneys shall be disbursed to defray the expenses of any specific program contemplated herein in excess of amounts received for that specific program. It is the intent of this section that any specific program, the expenses for which are paid from either the special recreation fund or from the sports account fund, shall be self-sustaining, and not subsidized by moneys received for any other specific program.~~

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 751, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$70,000 in the 2004 Budget of the Public Defender Agency (County General Fund) to transfer Character 01 funds to Character 03 to pay expenses for contractual attorneys.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee did hear a brief presentation on the proposal at their December 8, 2004 meeting and was informed that a suspension of the Rules would be requested at full Council. This is a simple transfer of 2004 funds from the Public Defender Agency to the courts to pay for contractual attorneys. The transfer needs to take place before the books are closed at the end of the year. The Public Defender did not fulfill their case requirements this past summer, and the Juvenile Court assigned contractual attorneys to outstanding cases. The budget was increased for these services, but actual staffing did not occur until mid-way through the year. Therefore, there was a surplus in the Public Defender's Character 01 budget, and this money will be used to reimburse the courts for these attorney contracts. Since this money has already been appropriated, there will be no effect on the fund balance.

Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 751, 2004 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:

Proposal No. 751, 2004 was retitled FISCAL ORDINANCE NO. 205, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 205, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 115, 2003) transferring and appropriating an additional Seventy Thousand Dollars (\$70,000) in the County General Fund for purposes of the Public Defender Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2004 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Public Defender Agency to transfer Character 01, Personal Services, funds to Character 03, Other Services and Charges, to pay expenses for contractual attorneys.

SECTION 2. The sum of additional Seventy Thousand Dollars (\$70,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>70,000</u>
TOTAL INCREASE	70,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>70,000</u>
TOTAL DECREASE	70,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 665, 669-672, and 675, 2004 on November 17, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 665, 2004. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$5,000 in the 2004 Budget of the Marion County Prosecutor (Deferral Fee Fund) from Character 03 to Character 01 to fund overtime salary and fringes for Marion County Sheriff's Deputies for Interstate/Aggressive Driving enforcement through December 2004. PROPOSAL NO. 669, 2004. The proposal, sponsored by Councillor Borst, approves a transfer of \$13,000 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer excess fringe money to Character 03 due to an amendment sent to the Indiana Criminal Justice Institute. PROPOSAL NO. 670, 2004. The proposal, sponsored by Councillor Borst, approves a transfer of \$1,157 in the 2004 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer excess fringe money to salaries, funded by a grant for Access Program for fiscal. PROPOSAL NO. 671, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$8,401 in the 2004 Budget of the Marion County Justice Agency (Law Enforcement Equitable Share Fund) to transfer Character 02 money to Character 04 for the Marion County Prosecutor to purchase a color laser jet printer, two laptops and a video projector. PROPOSAL NO. 672, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$24,911 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants Fund) to fund a one-time cost associated with starting a Re-entry Court, funded by a grant from the Department of Correction. PROPOSAL NO. 675, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves certain public purpose grants totaling \$450,000 from the Drug Free Community Fund. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 665, 669-672, and 675, 2004 were adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:



December 13, 2004

Proposal No. 665, 2004 was retitled FISCAL ORDINANCE NO. 206, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 206, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Five Thousand Dollars (\$5,000) in the Deferral Fee Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to transfer Character 03 money to Character 01 to fund overtime salary and fringes for Marion County Sheriff's Deputies for Interstate/Aggressive Driving enforcement through December 2004.

SECTION 2. The sum of additional Five Thousand Dollars (\$5,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>DEFERRAL FEE FUND</u>
1. Personal Services	4,600
1. Personal Services- fringes	<u>400</u>
TOTAL INCREASE	5,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>DEFERRAL FEE FUND</u>
3. Other Services and Charges	<u>5,000</u>
TOTAL DECREASE	5,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 669, 2004 was retitled FISCAL ORDINANCE NO. 207, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 207, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Thirteen Thousand Dollars (\$13,000) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes Marion Superior Court, to transfer excess fringe money to Character 03, Other services and charges.

SECTION 2. The sum of additional Thirteen Thousand Dollars (\$13,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>13,000</u>
TOTAL INCREASE	13,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	<u>13,000</u>
TOTAL DECREASE	13,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 670, 2004 was retitled FISCAL ORDINANCE NO. 208, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 208, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional One Thousand One Hundred Fifty-seven Dollars (\$1,157) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court, to transfer excess fringe money to salaries.

SECTION 2. The sum of additional One Thousand One Hundred Fifty-seven Dollars (\$1,157) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>1,157</u>
TOTAL INCREASE	1,157

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	<u>1,157</u>
TOTAL DECREASE	1,157

Proposal No. 671, 2004 was retitled FISCAL ORDINANCE NO. 209, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 209, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Eight Thousand Four Hundred One Dollars (\$8,401) in the Law Enforcement Equitable Share Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

December 13, 2004

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to transfer Character 02 money to Character 04 for the Marion County Prosecutor to purchase a color laser jet printer, two laptops and a video projector.

SECTION 2. The sum of additional Eight Thousand Four Hundred One Dollars (\$8,401) same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u>
4. Capital Outlay	<u>8,401</u>
TOTAL INCREASE	8,401

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u>
2. Supplies	<u>8,401</u>
TOTAL DECREASE	8,401

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 672, 2004 was retitled FISCAL ORDINANCE NO. 210, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 210, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) transferring and appropriating an additional Twenty-four Thousand Nine Hundred Eleven Dollars (\$24,911) in the State and Federal Grants Fund for purposes of Marion County Community Corrections and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to transfer money for one time cost associated with starting a Re-entry Court.

SECTION 2. The sum of an additional Twenty-four Thousand Nine Hundred Eleven Dollars (\$24,911) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	12,006
4. Capital Outlay	<u>12,905</u>
TOTAL INCREASE	24,911

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>24,911</u>
TOTAL DECREASE	24,911

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 675, 2004 was retitled GENERAL RESOLUTION NO. 17, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 17, 2004

A GENERAL RESOLUTION approving certain public purpose grants totaling \$450,000 from the Drug Free Community Fund.

WHEREAS, the City-County Council appropriated the sum of Four Hundred Fifty Thousand Dollars (\$450,000) in SECTION 1 of City-County Fiscal Ordinance No. 138, 2004 ("Estimates of Funds to be Raised and Proposed Tax Levies for the Consolidated City"), for funding grants to be made from the Drug Free Community Fund; and

WHEREAS, Indiana Code § 5-2-11-5 requires that sums appropriated from the Drug Free Community Fund shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of each grant recipient; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following grants and administrative expenses in the total amount of Four Hundred and Fifty Thousand Dollars (\$450,000) from the Drug Free Community Fund are hereby approved in the following amounts and projects, and for the following organizations:

Drug Free Community Fund  
2005 Annual Grant Awards

I. PREVENTION/EDUCATION

<i>Organization</i>	<i>Project</i>	<i>Amount</i>
Ruth Lilly Health Education Center	Feelings & Drugs	\$ 15,000
Boys & Girls Clubs of Indianapolis, Inc.	SMART Moves at the	\$ 34,875
Boys & Girls Clubs		
Children's Bureau, Inc.	Lions – Quest	\$ 4,500
Fairbanks	Prevention Training of School & Community	\$ 20,927
Leadership		
Ruth Lilly Health Education Center	Drugs Choice or Chance	\$ 8,500
Metropolitan School District of Perry Twp.	Brightwood/Forest Manor	\$ 28,698
Summer Collaborative Day Camp	Subtotal	\$112,500

II. TREATMENT

<u><i>Organization</i></u>	<u><i>Project</i></u>	<u><i>Amount</i></u>
Marion Superior Court, Juvenile Division	Juvenile Drug Treatment Court	\$ 12,320
The Julian Center, Inc.	The Julian Center's Substance	\$ 20,000
Addiction Counseling Program		
Marion County Public Defender Agency	Sentencing Project, Marion	\$ 20,484
County Public Defender Agency		
Gallahue Mental Health Services	Gallahue Mental Health	\$ 40,150
Assisted Living		
Partners in Housing and Development Corp.	Housing + Extension	\$ 30,864
Hoosier Veterans Assistance Found., Inc.	Residential Employment & Substance Abuse Treatment	\$ 12,966
	Subtotal	\$136,784

### III. CRIMINAL JUSTICE

<u>Organization</u>	<u>Project</u>	<u>Amount</u>
Marion Superior Court	Drug Treatment Diversion Program	\$ 55,000
Marion Superior Court Community Court	Community Court Resource Coord.	\$ 25,000
Marion County Prosecutor's Office	MCPO Narcotics Eviction Program	<u>\$ 32,500</u>
	Subtotal	<u>\$112,500</u>

### IV. MISCELLANEOUS/ADMINISTRATIVE

Drug-Free Marion County	Administrative Expense	<u>\$ 88,216</u>
	Total	<u>\$450,000</u>

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 677-687 and 689, 2004 on December 9, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 677, 2004. The proposal, sponsored by Councillor Abdullah, authorizes parking restrictions on Pennsylvania Street between Ohio Street and New York Street (District 15). PROPOSAL NO. 678, 2004. The proposal, sponsored by Councillor Borst, authorizes intersection controls for Orchard View Estates subdivision (District 23). PROPOSAL NO. 679, 2004. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for Spring Lake subdivision, Section 1 (District 25). PROPOSAL NO. 680, 2004. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for Emerson Woods subdivision (District 25). PROPOSAL NO. 681, 2004. The proposal, sponsored by Councillor Salisbury, authorizes intersection controls for Cameron Meadows subdivision, Sections 1 through 4 (District 13). PROPOSAL NO. 682, 2004. The proposal, sponsored by Councillor Oliver, authorizes intersection controls for Munter Lane and Wallace Avenue (District 10). PROPOSAL NO. 683, 2004. The proposal, sponsored by Councillor Bradford, authorizes a change in preferential streets at the intersection of 61st Street and Rosslyn Avenue (District 3). PROPOSAL NO. 684, 2004. The proposal, sponsored by Councillor Franklin, authorizes a weight limit restriction on 71st Street between Hague Road and Fairwood Drive (District 12). PROPOSAL NO. 685, 2004. The proposal, sponsored by Councillor Langsford, authorizes a weight limit restriction on Beechwood Avenue between Franklin Road and Post Road (District 21). PROPOSAL NO. 686, 2004. The proposal, sponsored by Councillor Abdullah, authorizes parking restrictions on Illinois Street near New York Street (District 15). PROPOSAL NO. 687, 2004. The proposal, sponsored by Councillor Borst, authorizes the lowering of the speed limit on Meridian Street from Hanna Avenue to Troy Avenue (District 23). PROPOSAL NO. 689, 2004. The proposal, sponsored by Councillor Brown, authorizes the lowering of the speed limit on Sheffield Drive and Pawnee Drive (District 18). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 677-687 and 689, 2004 were adopted on the following roll call vote; viz:

29 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy  
0 NAYS:

Proposal No. 677, 2004 was retitled GENERAL ORDINANCE NO. 115, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

Section 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

Pennsylvania Street, on the west side, from  
Ohio Street to New York Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 678, 2004 was retitled GENERAL ORDINANCE NO. 116, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 116, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
38	Cresthaven Dr Moonglow Ln	Cresthaven Dr	Stop
38	Cresthaven Dr Rahke Rd	Rahke Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 679, 2004 was retitled GENERAL ORDINANCE NO. 117, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 117, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Lakesedge Blvd Lakesedge Dr	Lakesedge Dr	Stop
41	Lakesedge Blvd Thompson Rd	Thompson Rd	Stop

December 13, 2004

41	Lakestone Ct Lakestone Dr	Lakestone Dr	Stop
41	Spring Flower Ct Spring Flower Dr	Spring Flower Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 680, 2004 was retitled GENERAL ORDINANCE NO. 118, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Cobham Way Emerson Av	Emerson Av	Stop
47	Cobham Ln Waybridge Ln	Waybridge Ln	Stop
47	Emerson Av Waybridge Ln	Emerson Av	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 681, 2004 was retitled GENERAL ORDINANCE NO. 119, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 119, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Angel Tear Ct Angel Tear Way	Angel Tear Way	Stop
29	Angel Tear Way Southernwood Ln Southernwood Way	None	All Way Stop
29	Blue Pine Dr Raceway Rd	Raceway Rd	Stop

29	Blue Pine Dr Southernwood Ln	Blue Pine Dr	Stop
29	Blue Pine Dr Blue Pine Ln Wandflower Dr	None	All Way Stop
29	Dutch Elm Dr Dutch Elm Way	None	All Way Stop
29	Dutch Elm Dr Wandflower Dr	Wandflower Dr	Stop
29	Dutch Elm Dr Southernwood Way	Southernwood Way	Stop
29	Dutch Elm Way Orchid Bloom Ln	Orchid Bloom Dr	Stop
29	Orchid Bloom Dr Orchid Bloom Ln	Orchid Bloom Dr	Stop
29	Orchid Bloom Ln Orchid Bloom Pl	Orchid Bloom Ln	Stop
29	Raceway Rd Southernwood Dr	Raceway Rd	Stop
29	Southernwood Dr Southernwood Ln	Southernwood Ln	Stop
29	Southernwood Ln Wandflower Dr	Southernwood Ln	Stop
29	Wandflower Cir Wandflower Dr	Wandflower Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 682, 2004 was retitled GENERAL ORDINANCE NO. 120, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 120, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	Munter Ln Wallace Av	Wallace Av	Yield

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:



December 13, 2004

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	Munter Ln Wallace Av	Wallace Av	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 683, 2004 was retitled GENERAL ORDINANCE NO. 121, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 121, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	61 <sup>st</sup> St Rosslyn Av	Rosslyn Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	61 <sup>st</sup> St Rosslyn Av	61 <sup>st</sup> St	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 684, 2004 was retitled GENERAL ORDINANCE NO. 122, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 122, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

**11,000 POUNDS GROSS WEIGHT**

71<sup>st</sup> Street from Hague Road to Fairwood Drive

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 685, 2004 was retitled GENERAL ORDINANCE NO. 123, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 123, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

**11,000 POUNDS GROSS WEIGHT**

Beechwood Avenue between Franklin Road and Post Road

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 686, 2004 was retitled GENERAL ORDINANCE NO. 124, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 124, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY  
EXCEPT SATURDAY AND SUNDAY  
From 3:00pm to 6:00pm**

Illinois Street, on the west side, from  
A point 42 feet north of New York Street,  
To a point 217 feet north of New York Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 687, 2004 was retitled GENERAL ORDINANCE NO. 125, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 125, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

*December 13, 2004*

**45 MPH**

Meridian Street, from Thompson Road to Hanna Avenue

**40 MPH**

Meridian Street, from Hanna Avenue to Troy Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 689, 2004 was retitled GENERAL ORDINANCE NO. 126, 2004, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 126, 2004**

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the deletion of the following, to wit:

**30 MPH**

Sheffield Drive, from 25<sup>th</sup> Street to 30<sup>th</sup> Street

Pawnee Drive, from Sheffield Drive to 30<sup>th</sup> Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

**25 MPH**

Sheffield Drive, from 25<sup>th</sup> Street to 30<sup>th</sup> Street

Pawnee Drive, from Sheffield Drive to 30<sup>th</sup> Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 691, 2004. Councillor Sanders reported that the Rules and Public Policy Committee heard Proposal No. 691, 2004 on November 16, 2004. The proposal, sponsored by Councillor Boyd, approves the voluntary termination of the cable franchise agreement with TOTALink of Indiana, LLC, known as Utilicom of Indiana, LLC. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst stated that Bill Roberts with TOTALink is in the audience and has spent several years coming to the Council meetings and committee meetings trying to bring more competition to the Indianapolis area, and he thanked Mr. Roberts for his efforts. Mr. Roberts thanked the Council, City and cable staff and stated that this is a wonderful city with a great future.

Councillor Cockrum moved, seconded by Councillor Nytes, for adoption. Proposal No. 691, 2004 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:

Proposal No. 691, 2004 was retitled SPECIAL ORDINANCE NO. 14, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 2004

A PROPOSAL FOR A SPECIAL ORDINANCE approving and adopting the recommendation of the Cable Franchise Board regarding the voluntary termination of the franchise agreement between the Consolidated City and County and TOTALink of Indiana, LLC, now known as Utilicom of Indiana, LLC.

WHEREAS, in Resolution No. 59, 2000, approved on May 22, 2000, the City-County Council approved the award of a cable franchise agreement to TOTALink of Indiana, LLC, now known as Utilicom of Indiana, LLC; and

WHEREAS, in October 2000, the Cable Communications Agency executed a franchise agreement with Utilicom; and

WHEREAS, Utilicom has requested a voluntary termination of the franchise agreement; now therefore:

WHEREAS, on October 18, 2004, the Cable Franchise Board, after public hearing, adopted Cable Franchise Board Resolution No. 04-01 recommending that the City-County Council accept the voluntary termination of the franchise agreement between the City and Utilicom; and

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The recommendation of the Cable Franchise Board to accept the voluntary termination of the franchise agreement between the City and Utilicom is hereby accepted.

SECTION 2. The Cable Communications Agency is directed to execute the appropriate agreement terminating the franchise agreement with Utilicom.

SECTION 3. This special ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**NEW BUSINESS**

President wished all Councillors, constituents and City and County employees a Happy Holiday and much happiness and success in the New Year.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Mansfield, Pfisterer, and Bowes in memory of Sergeant Morgan W. Strader;
- (2) Councillors Mansfield and Langsford in memory of Lance Corporal James E. Swain; and
- (3) Councillor Randolph in memory of Luther "Red" Daniels; and
- (4) Councillor Nytes in memory of Emile Godfrey; and
- (5) Councillors Oliver and Gray in memory of James Samuel Howard, Sr.; and

*December 13, 2004*

- (6) Councillor Oliver in memory of Robert A. Williamson and Victor Bonzair "Red" Boyd;
- (7) Councillor Langsford in memory of Maureen Pettigrew, John Craig Hitner, and Sidney Fenstermaker; and
- (8) Councillor Gibson in memory of Ruth King Enders; and
- (9) Councillors Gray and Boyd in memory of William Lindsey; and
- (10) Councillor Gray in memory of Lanny Williams.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Sergeant Morgan W. Strader, Lance Corporal James E. Swain, Luther "Red" Daniels, Emile Godfrey, James Samuel Howard, Sr., Robert A. Williamson, Victor Bonzair "Red" Boyd, Maureen Pettigrew, John Craig Hitner, Sidney Fenstermaker, Ruth King Enders, William Lindsey, and Lanny Williams. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:31 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 13th day of December, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

